

FILED**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

OCT 27 2023

JC

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

LynAriane Lucas

Plaintiff

v.

Becton Dickinson & Co 'BD Purewick' et. al.

Defendant

Case Number: 1: 23 - cv - 15190**Judge:** DURKIN**Magistrate Judge:** FINNEGAN

EMAIL CORRESPONDENCES WITH THE
COMPANY'S ATTORNEY ELIZABETH
YODICE

SHE AND I CORRESPONDED BY MULTIPLE:

- EMAILS
- TELEPHONE CONVERSATIONS
- TEXT MESSAGES

MOST RECENTLY OCTOBER 19, 2023
SHE REQUESTED THE MEDICAL BILLS ER
FOR THE 'HIGHER UPS'

SHE STATED IT WAS DETERMINED BD Purewick
WAS NOT AT FAULT.

CASE # 1:23-cv-15190

Purewick Company

Attention: Attorney Elizabeth Yodice

BD Purewick's
Attorney that
REACHED out to me

I am submitting my mother's medical records as requested for review (I never refused to submit her medical records as claimed by someone in the company – that was false). I complied with everything that requested of me including the mailing of the catheter sample for testing.

I have submitted a couple of signed narratives and I am writing these points for reiteration.

I want to thank you Elizabeth for reaching out to me, as it was the first time I felt as though this matter was being investigated with urgency and seriousness.

I could not help but have feelings that my mother's suffering and my concerns had been handled with utter disregard and dismissal – for months as my extensive correspondences were handed off to multiple representatives without resolution – this contributed to my mental trauma and anxiety.

My mother's life mattered. My life matters.

I had felt disregarded and minimized by the company. I felt my mother's suffering and death were minimalized.

The urgent situation never elevated to the appropriate authorities in an expected urgent manner, although I pleaded and placed trust that I would receive help.

I felt that the correspondences by the lab technician via his report and Amanda's assessment described my mother's suffering and death as my 'issues'.

The lab technician was unqualified to make the judgmental clinical assessment of my mother's condition based upon microscopic findings of E.coli as being indicative of 'incontinence'. Amanda reinforced this in the correspondence to me.

To add insult to injury – I was further demeaned and disregarded by the submission of a pictorial on how to place the catheter – to insinuate that I had lack of knowledge on how to properly use. I had been using the device for months prior without incident and properly adhered to the instructions and protocol without waiver according to the manual. I have also been trained as a physician in Surgery.

Prior to these episodes my mother was responsive and although physically challenged – lumbar stenosis - she was able to maneuver and perform functions and enjoy that which she found pleasurable; talking with visitors, watching her favorite television programs, we ate together and laughed. She performed as expected given her age and physical limitations. She behaved mentally appropriate given the effects Covid-19 aiding to her isolation from the things she loved

to do and experience (regular weekly restaurant dates, visiting relatives, having relatives visit for coffee, looking at movies and old photos, discussing politics and fashion, and watching her weekly church services on television)

She was my greatest emotional supporter and confidant up until her acute infectious illness processes.

Her desire to worship was consistent as on 09/23/2021 at the hospital the chaplain noted that she was cooperative and encouraged prayer. We prayed together each night.

The infection that led to September 22nd's hospitalization hastened her mental demise, she became increasingly immobile, and her mental acuity fell precipitously in comparison her state prior.

My mother was my everything and we enjoyed each other's presence, conversations, and company. I am at a great emotional devastating loss. I never imagined that she would spend her final days of life this was and that I would be so stricken with vivid memories of her suffering- that replay daily and especially at night.

My mother suffered extensively - September 14 – October 22, 2021 (39 days) physical suffering and sepsis associated delirium and death.

Approximately September 14, 2021 there was a scant amount of dark material on the wick that I could not truly identify or associate at the time although wrapped it and I stored it in freezer. Approximately 7 days later, my mother was urgently admitted to the hospital after passing out on September 22, 2021 where she underwent extensive assessment and treatment.

I was under an enormous amount of stress and dilemma as my mother was admitted urgently to the Emergency room by ambulance only 3 days before I was scheduled to take my medical board examination. I could not postpone it or reschedule it – even in spite of this life altering devastation involving my mother.

I was traumatized that it was discovered by ultrasound that my mother had extensive clotting that extended well up into her iliac vein common with the sepsis process – blood and urine testing (elevated WBC, isolated klebsiella and elevated lactic acid levels, etc.) positively identified a urinary infectious process. She was treated for urinary tract infection.

She underwent invasive treatment (IVC placement via the right internal jugular vein) for the extensive clotting as outlined in her report and placed on Lovonox. The treatment rendered her unable to receive immediate administration of vasopressive resuscitation on 2nd septic episode on October 22, 2021 – when she passed due to inability to resuscitate.

My suffering since my mother's crisis and death

- Inability to sleep more than 3-4 hours (4 to 7 a.m.) due to grief

- Anxiety watching commercial - mother daughter Purewick commercial – I can recite the entire commercial by heart. Seeing the commercial five -six times each early morning as I lie awake is devastating for me.
- Last time I saw was December 14th the commercial and re-ignited depression and grief
- The commercial causes triggers - and attacks as well as other associations to my mother's suffering
- Extremely depressed with post traumatic stress – witnessing my mother's suffering and ultimate resuscitation efforts which failed. I relive that event each night.
- I have not been able to work due to suffering from loss
- My mother was all that I had and was not to spend her final days suffering from sepsis due to a device contamination
- I have been devastated emotionally over the past year emotionally and physically
- Victimized by the company for failure to respond appropriately in spite of my saying I was a physician trained in surgery.
- My mother was my only family now I feel abandoned and continue to have recurring thoughts and visions of my mother's suffering over the 45 days and especially during the hospital due to procedures and ultimate failed resuscitative efforts
- I have treated by a psychiatrist since the death of my mother
- My life has been compromised, mentally and physically – for greater than a year now - it is difficult to fully function as prior to her death because of reliving the events that led to her suffering and death.
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- In addition to grieving, I contracted COVID-19 at my mother's services and was very ill for greater than 2 weeks post her burial and funeral services.

Respectfully,

LynAriane Lucas, MD, MS

Daughter of Mrs. Eunice Lucas

Signed LynAriane Lucas

December 15, 2022

CASE # 1:23-CV-15190

EMAIL correspondences with
company's attorney
Elizabeth Yodice

Dear Elizabeth Yodice,

Please find the narrative as requested.

This information I have shared in the multitude of emails / correspondences I have made with the company for over a year.

If any further information is needed. That can be dutifully arranged.

I have provided a narrative that I have explicitly expressed in previous correspondences to the Purewick Company representatives.

Thank you.....

My mother Mrs. Eunice F. Lucas died due to infection / sepsis. I have provided the Death Certificate that listed such as the cause for death on October 22, 2021 at 6:42 p.m. in the ED following failed extensive resuscitative efforts.

Two occasions (September 22, 2021 and October 22, 2021) my mother was rushed emergently to the hospital via ambulance each catastrophic event associated with evidence of contaminated Purewick Catheters. The first visit extended 10 days of hospitalization that required; **IVC filter placement due to extensive clotting spanning the femoral and intra-pelvic iliac vein associated with infection / sepsis.** The surgical procedure was **invasive procedure** my mother had to undergo in order to prevent the clot from spreading into her lungs and causing a massive pulmonary embolism. The hospital visit was stressful to her and I which included painful testing and treatment procedures that she had to endure. The hospital visit **on September 22, 2021** included blood / urine cultures that demonstrated infection due to **KLEBSIELLA, E. Coli, and Lactobacillus**, as present in her medical records. **Blood labs showed elevated; Neutrophils, Lymphocytes and Monocytes.**

The second emergent hospitalization on October 22, 2021 followed a confluent contamination of the Purewick Catheter on October 16, 2021. I have correspondences that demonstrated that I reached out immediately to the company via telephone, the telephone answering service (left voice mail messages) and via email where I sent a picture of the contaminated Purewick Catheter that I retrieved from my mother. Exactly 6 days later my mother incurred such aggressive and severe symptoms that an ambulance was called for transportation to the emergency room where she died approximately 2-3 hours later. Resuscitative efforts were futile. The team attempted to provide life saving measures via the use of vasopressors however it was thwarted via the preferred first method which was attempted (via the jugular vein) due to inaccessibility due to clot presence because of the placement of the IVC filter (on September 24, 2021) from the sepsis associated coagulative state she incurred on September 22, 2021 – mentioned above). After the first failed site access for vasopressors, the second site was eventually obtained (causing loss of valuable time and pain) and vasopressors were administered which helped to retrieve elevation in blood pressure (as in the medical record) temporarily however my mother's state worsened and she required extensive accompanying resuscitative efforts (including CPR) which were futile and she ultimately expired.

I was present during the entire process of resuscitative efforts to try to save my mother's life, this is what I witness and discussed with the ER physician (the failed attempt of Vaso access via

Jugular Vein due to clot; Note: as I mentioned it was accessed for the prior procedure of IVC placement via Interventional Radiology- and hence was an unviable / incompetent pathway to access) on duty working on my mother.

Outreach / Email Correspondences / Telephone Calls / Contaminated Product Mailing / Questionnaire, etc.

Has been extensive and exhaustive. I have archived emails, etc. of correspondences I have made with members of the Purewick Company, Liberator Medical, Baird, etc. for greater than a year. Since my mother's first episode September 22, 2021.

I have record dates and times for these correspondences.

Some of the people with whom I have made contact with and discussed this matter with have included (note: I have many more emails compiled this is just an example). Know I have spoken with many more Purewick representatives over the multiple telephone calls I have made since September / October 2021 and beyond. I have exhaustive emails archived for this matter as I tried to reach out for assistance during my extreme grief and personal emotional suffering due to my mother's painful and agonizing experiences and mine also including the enormous loss.

- 1) Dennis
- 2) Jeannette: 2/16/2022 through 4/22/2022
- 3) Jeastina Reynolds (jreynolds@liberatormedical.com) – I was later informed after corresponding with her for a while – simply that she was no longer with the company when I was referred to another person; Ms. Yonic Anderson)
- 4) Yonic Anderson (2/18/ 2022 through June 16, 2022) I corresponded / attempted outreach to Ms. Anderson. I **provided her my mother's death certificate (which indicated UTI and sepsis on certificate)** and answers to the questionnaire submitted to me upon mailing the contaminated pure wick catheter for 'testing')
- 5) Adrienne
- 6) Lisa
- 7) Juan
- 8) Brooke
- 9) Paraq Kapile – Field Assurance Specialist
 - I responded to the report as a 'field specialist' suggested my mother had 'fecal incontinence' from a laboratory assessment of a catheter without the presence of confluent feces.

- I have discussed the issue with this persons report as well as further testing / assessment.

10) Amanda Evans – with whom I had no prior correspondence reached out to me (in lieu of Ms. Yonic Anderson whom I ONLY THEN LEARNED was in ‘another department’) Regurgitated that which she read in the report by Mr. Kapile that my mother had ‘fecal incontinence’ **WHICH WAS UNTRUE. THE ASSESSMENT WAS FALSE AND BASED ON NOTHING ACCURATE.** To anyone else (lay person) such a documented letter of egregious claim might be accepted as true -

She and / or Paraq Kapile then provided me the pamphlet on how to properly place a purewick catheter

(Which I addressed the insensitive audacity in a correspondence email – resubmitted for review on 10/05/2022)

I am and have been an emotional, psychological and physical wreck. I have been compromised severely by the entire course of events including how I have been treated by the company in response to my mother’s septic episodes and ultimate death.

As I mentioned in a previous email (provided as an attachment): My mother underwent immense suffering. I witnessed and had to respond to it all.

I cannot sleep. I am nervous and depressed with grief.

The Purewick Commercial (which I can recite by heart) causes me immense anxiety and psychological distress. I have seen it multiple times throughout the night when I could not sleep due to grief and I must turn the channel immediately. It causes a resurgence of the thought of catastrophic events that surrounded my mother’s acute septic illness, resuscitative events and death. The events are constantly re-lived by me.

I was in the Emergency Room during her agonal breathing and resuscitative efforts. I cannot purge that from my mind. I am undergoing therapy with a board certified psychiatrist. As a physician, we discussed how this might affect me during other resuscitative efforts of other patients (flashbacks, etc.).

I feel debilitated and exhausted as a result of all of this. I am struggling to pick up my life and proceed through.

There is no cautionary warning about the potential dangers / hazards of the Purewick Catheter.

This hazard caused my mother’s suffering and life.

All that I have provided in this narrative I have included in the multiple emails that I provided and discussed extensively of all of this.

I have been bounced around for an entire year.

Nothing has been done on behalf of myself or my mother due to this tragic event.

The event was regarded callously and nonchalantly without regard for my mother's suffering and life or my own suffering that I have had since.

Nothing can replace my mother or make up for the resultant suffering that incurred.

I have been fully compliant and transparent – I was seeking help and assistance and received none. I never refused the submission of anything pertinent to this incident.

This caused me even more grief, depression and anxiety.

I continue to receive therapy and treatment.

Most Sincerely,

LynAriane Lucas, MD, MS (Daughter of Mrs. Eunice F. Lucas)